

REMARKS

This Response is submitted in reply to the non-final Office Action mailed on September 28, 2009. No fee is due in connection with this response. The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3714652-510 on the account statement.

Claims 29-32, 34-40, 42-46 and 48-56 are pending in the application. Claims 1-22, 33, 41 and 47 were previously canceled. In the Office Action, Claims 29-32, 34-40, 42-46 and 48-56 are rejected under 35 U.S.C. §112; Claims 29-32, 34-40, 42-46 and 48-56 are rejected under 35 U.S.C. §102; and Claims 29-32, 34-40, 42-46 and 48-56 are rejected under 35 U.S.C. §103. In response, Claims 29, 39, 44 and 54-55 have been amended, and Claims 31-32, 34, 40, 42-43, 45-46, 48-52 and 56 have been canceled without prejudice or disclaimer. The amendments do not add new matter. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

35 U.S.C. §112 Rejection

In the Office Action, Claims 29-32, 34-40, 42-46 and 48-56 are rejected under 35 U.S.C. §112, second paragraph, as failing to comply with the written description requirement. In response, Applicants have amended Claims 29, 39, 44 and 54-55 and canceled Claims 31-32, 34, 40, 42-43, 45-46, 48-52 and 56 to address the informalities cited by the patent Office. Based on at least these noted reasons, Applicants believe that the pending claims fully comply with 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the rejections of the pending claims under 35 U.S.C. §112, second paragraph, be withdrawn.

First 35 U.S.C. §102 Rejection

In the Office Action, Claims 39-40, 42, 44, 46 and 51-54 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,759,933 to Uchida et al. ("*Uchida*"). Applicants respectfully traverse the rejection for at least the reasons set forth below.

Amended independent Claim 39 recites, in part, a dietary component comprising a pancreatic function promoter comprising a pancreatic lipase and an intestinal mucosa function-

promoter comprising at least one of an omega-3 fatty acid and a lactoferrin. Amended independent Claim 54 recites, in part, an edible composition comprising a pancreatic function-promoter comprising a pancreatic lipase and a liver function-promoter comprising taurine ranging from about 0.1% to about 1% by weight on a dry matter basis to effect lipid assimilation in the pet. In contrast, *Uchida* fails to disclose or suggest each and every element of independent Claims 39 and 54.

Uchida fails to disclose or suggest a pancreatic function-promoter comprising a pancreatic lipase as required by Claims 39 and 54. Instead, *Uchida* discloses pancreatin, which is a proteolytic enzyme distinguishable from a pancreatic lipase. In fact, *Uchida* fails to teach or suggest a pancreatic lipase anywhere in his disclosure. For at least the reasons discussed above, Applicants respectfully submit that Claims 39 and 54, along with the claims that depend from Claims 39 and 54, are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. §102 to *Uchida* be withdrawn.

Second 35 U.S.C. §102 Rejection

In the Office Action, Claims 29, 31-32, 34-39, 42-45 and 48-56 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,804,549 to Howley et al. ("*Howley*"). Applicants respectfully traverse the rejection for at least the reasons set forth below.

Amended independent Claim 29 recites, in part, administering to the pet an edible composition comprising a pancreatic function promoter comprising a pancreatic lipase and a liver function promoter comprising taurine ranging from about 0.1% to about 1% by weight on a dry matter basis. Amended independent Claim 39 recites, in part, a dietary component comprising a pancreatic function promoter comprising a pancreatic lipase and an intestinal mucosa function-promoter comprising at least one of an omega-3 fatty acid and a lactoferrin. Amended independent Claim 54 recites, in part, an edible composition comprising a pancreatic function-promoter comprising a pancreatic lipase and a liver function-promoter comprising taurine ranging from about 0.1% to about 1% by weight on a dry matter basis to effect lipid assimilation in the pet. Amended independent Claim 55 recites, in part, increasing the pet's capability to assimilate fat in its diet by feeding the pet a diet that contains a pancreatic function

promoter comprising at least a pancreatic extract and an intestinal mucosa function promoter comprising at least one of an omega-3 fatty acid and a lactoferrin. In contrast, *Howley* fails to disclose or suggest each and every element of independent Claims 29, 39 and 54-55.

Howley fails to disclose or suggest a liver function promoter comprising taurine as required by Claims 29 and 54. *Howley* also fails to disclose or suggest an intestinal mucosa function-promoter comprising at least one of an omega-3 fatty acid and a lactoferrin as required by Claims 39 and 55. In fact, *Howley* fails to teach or suggest the specific liver function promoters or intestinal mucosa function-promoters anywhere in his disclosure. For at least the reasons discussed above, Applicants respectfully submit that Claims 29, 39 and 54-55, along with the claims that depend from Claims 29, 39 and 54-55, are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. §102 to *Howley* be withdrawn.

First 35 U.S.C. §103 Rejection

In the Office Action, Claims 29-32, 34-40, 42-46 and 48-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,210,718 to Ivey et al. ("*Ivey*") in view of U.S. Patent No. 6,855,506 to Steiner et al. ("*Steiner*"). Applicants respectfully traverse the rejection for at least the reasons set forth below.

Ivey and *Steiner* alone or in combination fail to disclose or suggest a liver function promoter comprising taurine as required by Claims 29 and 54. *Ivey* and *Steiner* alone or in combination also fail to disclose or suggest an intestinal mucosa function-promoter comprising at least one of an omega-3 fatty acid and a lactoferrin as required by Claims 39 and 55. Moreover, the Patent Office has failed to show where in *Ivey* and *Steiner* any of these specific liver function promoters or intestinal mucosa function-promoters are disclosed. For at least the reasons discussed above, Applicants respectfully submit that Claims 29, 39 and 54-55, along with the claims that depend from Claims 29, 39 and 54-55, are novel, nonobvious and distinguishable from the cited references.

Second 35 U.S.C. §103 Rejection

In the Office Action, Claims 29-32, 34-35, 37-40, 42-46 and 48-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,471,999 to Couzy et al. ("*Couzy*") in view of *Steiner*. Applicants respectfully traverse the rejection for at least the reasons set forth below.

Couzy and *Steiner* alone or in combination fail to disclose or suggest a liver function promoter comprising taurine ranging from about 0.1% to about 1% by weight on a dry matter basis as required by Claims 29 and 54. *Couzy* and *Steiner* alone or in combination also fail to disclose or suggest an intestinal mucosa function-promoter comprising at least one of an omega-3 fatty acid and a lactoferrin as required by Claims 39 and 55. Moreover, the Patent Office has failed to show where in *Couzy* and *Steiner* the intestinal mucosa function-promoters or the specific range of the liver function promoter are disclosed. For at least the reasons discussed above, Applicants respectfully submit that Claims 29, 39 and 54-55, along with the claims that depend from Claims 29, 39 and 54-55, are novel, nonobvious and distinguishable from the cited references.

Third 35 U.S.C. §103 Rejection

In the Office Action, Claims 29-32, 34-35, 37-40, 42-46 and 48-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Couzy* in view of *Steiner* and further in view of U.S. Patent No. 5,290,571 to Bounous et al. ("*Bounous I*") and U.S. Patent No. 5,451,412 to Bounous et al. ("*Bounous II*"). Applicants respectfully traverse the rejection for at least the reasons set forth below.

Couzy, *Steiner*, *Bounous I* and *Bounous II* alone or in combination fail to disclose or suggest a liver function promoter comprising taurine ranging from about 0.1% to about 1% by weight on a dry matter basis as required by Claims 29 and 54. *Couzy*, *Steiner*, *Bounous I* and *Bounous II* alone or in combination also fail to disclose or suggest an intestinal mucosa function-promoter comprising at least one of an omega-3 fatty acid and a lactoferrin as required by Claims 39 and 55. As previously discussed, the Patent Office has failed to show where in *Couzy* and *Steiner* the intestinal mucosa function-promoters or the specific range of the liver function promoter are disclosed.


Applicants further submit that the secondary references do not remedy the deficiencies of *Couzy* and *Steiner*. The Office Action relies on *Bounous I* and *II* arguably to teach a whey protein-containing composition that promotes glutathione (liver function promoter) and soy lecithin (liver function promoter). See Office Action, page 11. However, both these references still fail to teach or suggest use of any of the specifically recited liver function promoters or intestinal mucosa function-promoters. For at least the reasons discussed above, Applicants respectfully submit that Claims 29, 39 and 54-55, along with the claims that depend from Claims 29, 39 and 54-55, are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that all of the obviousness rejections of the pending claims be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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